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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,655	12/11/2001	Jason Naxin Wang	80398P468	2853

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EXAMINER

VO, TUNG T

ART UNIT PAPER NUMBER

2613

DATE MAILED: 03/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/020,655

Applicant(s)

WANG ET AL.

Examiner

Tung Vo

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 12-21, 23-30 and 32-39 is/are pending in the application.
- 4a) Of the above claim(s) 11, 22 and 31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-21, 23-30 and 32-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-4, 7-15, 18-25, 28-34, and 37-39 are rejected under 35 U.S.C. 102(1) as being anticipated by Woo et al. (US 5,781,788) as set forth in the previous Office Action dated 07/26/04, and the discussion follows.

Re claims 1-4, 7-10, 12-15, 18-21, 23-25, 28-30, 32-34 and 37-39, Woo discloses the claimed limitations as set forth in the previous Office Action dated 07/26/04.

Furthermore, Woo discloses wherein the processing of the first group video encoding tasks (92 of fig. 3, note a run length coder (RLC, 92) is considered a main processor that couples to the bus and processes a first group of video encoding) is executed by the CPU (46 of fig. 2, e.g. the CPU coordinates multiple pipelined (parallel) and concurrent operations within the video codec (12 of fig. 2)) concurrently with the processing of the second group of video encoding tasks (98 of fig. 2). In view of the discussion above, Woo clearly anticipates the claimed invention.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6, 17, 27, and 36 rejected under 35 U.S.C. 103(a) as being unpatentable over Woo et al. (US 5,781,788) as applied to claims 1, 3, 11, 14, 22, 24, 31, and 33, and in view of Linzer et al. (US 6,229,850 B1) as set forth in the previous Office Action dated 07/26/04 and discussion follows.

The applicant argued that the combination of Woo and Linzer does not support a prima facie case of obviousness because the combination does not teach or suggest each and every limitation of Applicant's invention as claimed.

Art Unit: 2613

The examiner respectfully disagrees with the applicant. It is submitted that Woo teaches each and every limitation of the claimed invention as set forth in the previous Office Action and the discussion above. Woo further suggests the pre-processing (66 of fig. 3) and various alternations and modifications will no doubt become apparent to those skilled in the art but not comprise noise reduction as claimed. However, Linzer teaches pre-processing filters (col. 6, lines 60-65) used in the encoder (34 or 38 of fig. 4) reduce noise of the input signal, pre-processing filter is to reduce noise of input signal. Since Woo and Linzer suggest the pre-processing, particularly Linzer suggests the pre-processing filter would be used in the encoding system; so one skilled in the art would combine the teachings of Woo and Linzer to make obvious the claimed invention.

5. Claims 5, 16, 26, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woo et al. (US 5,781,788) as applied to claims 1, 3, 11, 14, 22, 24 and 33, and in view of Lee (US 6,317,460) as set for in the previous Office Action dated 07/26/04 and the discussion follows.

Applicant respectfully submits that the combination of Woo and Lee does not support a prima facie case of obviousness because the combination does not teach or suggest each and every limitation of Applicant's invention as claimed in claims 5, 16, 26 and 35. Claims 5, 16, 26 and 35 depend from independent claims 1, 12, 28 and 37, respectively. Because Woo does not teach or suggest each and every claim limitation of claims 1, 12, 28 and 37, pages 11 and 12 of the remarks.

The examiner strongly disagrees with the applicant. It is submitted that the limitations in claims 1, 12, 28 and 37 have been disclosed by Woo in the previous Office Action and the discussion above and Woo further suggests that the video codec system would be modified. Moreover, Lee teaches a first phase includes top to top searching and bottom to bottom searching; and a second phase includes top to bottom searching and bottom to top searching (fig. 3) and suggests the searching method would be used in the encoder. Therefore, one skilled in the art would incorporate the teachings of Lee into the encoding system of Woo to improve searching technique for encoding efficiency. In view of the discussion above, the claimed invention is unpatentable over Lee and the combination of Woo and Lee.

The applicant does not admit that Linzer and Lee are prior art because Lee issued after Applicant's effective filing date.

The examiner respectfully disagrees with the applicant. It is submitted that the application, 10/020655, filed on 12/11/2001, which **claims priority from provisional application 60/254825**, filed on 12/11/2000, assignees: SONY CORPORATION and SONY ELECTRONICS, INC. The effective filing date of the application 10/020655 (12/11/2000) is after the effective filing date of Lee's Patent, 05/12/1998, assignee: SARNOFF CORPORATION; and the effective filing date of Linzer's Patent, 10/19/1999, assignee: C-Cude Semiconductor II, Inc. Therefore, Lee and Linzer qualified prior art.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung Vo whose telephone number is 571-272-7340. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2613

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tung Vo
Primary Examiner
Art Unit 2613